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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,566

Applicant(s)

ROGALSKI ET AL.

Examiner

Marivelisse Santiago-Cordero

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the claims of Group I (claims 1-12 and 15-24), in the reply filed on 6/1/2005 is acknowledged. The traversal is on the ground(s) that the subject matter of all of the claims is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims.

This is not found persuasive because the MPEP § 808.02 states:

Where the related inventions as claimed are shown to be distinct under the criteria of MPEP § 806.05(c) - § 806.05(i), the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following:

(A) Separate classification thereof: This shows that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(C) A different field of search: Where it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

The requirement is still deemed proper and is therefore made FINAL.

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2. Claims 13-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/1/2005.

Information Disclosure Statement

3. The references cited in the Information Disclosure Statement (IDS) filed on 10/17/2003 and 7/28/2004 have been considered.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "460" (Fig. 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing-sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: the term "coreless" (page 5, paragraph [0011], line 4) should be replaced with --cordless--.

Appropriate correction is required.

Claim Objections

6. Claim 19 is objected to because of the following informalities: the term “transceiver” (line 1) should be pluralized. Appropriate correction is required.

7. Claims 20-23 are objected to because the term “AT” is an acronym, which could mean different things and/or change in meaning overtime, hence it would be desirable to write out the actual words to which the acronym refers.

Claim Rejections - 35 USC § 112

8. Claims 1-12, 17-19, and 24 contains the trademark/trade name BLUETOOTH. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe short-range wireless technology and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-2, 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al. (hereinafter "Cannon"; Patent No.: 6,650,871).

Regarding claim 1, Cannon discloses a system for exchanging data and audio between a cellular telephone and a landline telephone, the system comprising: a cordless telephone base station (Figs. 1-2, reference numerals 100a or 100b) having a BLUETOOTH radio transceiver (Fig. 2, reference numeral 202), and a cordless radio transceiver (Fig. 2, reference numeral 205) (col. 4, lines 26-33); and a cordless handset having a cordless radio transceiver configured to communicate with the cordless telephone base station using cordless radio frequency communications (Fig. 1, reference numeral 102a; Fig. 3, reference numeral 302; col. 4, lines 36-40), and wherein the BLUETOOTH radio transceiver and the cordless radio transceiver of the cordless telephone base station are coupled (Fig. 2) so that the cordless handset can communicate with the cellular telephone (Fig. 1, reference numerals 110-114; col. 4, lines 45-50).

Regarding claim 2, Cannon discloses the system of claim 1 (see above), wherein the cordless telephone base station includes a BLUETOOTH module including hardware and software used for the BLUETOOTH radio transceiver (Fig. 2, reference numeral 204), and cordless protocol stack and transcoder coupled to the cordless radio transceiver (Fig. 2, reference numeral 210).

Regarding claim 4, Cannon discloses the system of claim 2 (see above), wherein the BLUETOOTH module establishes an audio link for exchanging audio messages between the cordless telephone base station and the cellular telephone (col. 4, lines 34-58).

Regarding claim 5, Cannon discloses the system of claim 2 (see above), wherein the BLUETOOTH module establishes a data link for exchanging data between the cordless telephone base station and the cellular telephone (col. 4, lines 34-58).

Regarding claim 6, Cannon discloses the system of claim 1 (see above), wherein the cordless telephone base station communicates with the cellular telephone via a BLUETOOTH wireless communications technology when the cellular telephone is within a range of the Bluetooth transceiver of the cordless telephone base station (col. 4, lines 14-19).

11. Claims 15, 17-18, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wonak et al. (hereinafter "Wonak"; Pub. No.: US 2003/0236091, cited in IDS filed on 7/28/2004).

Regarding claim 15, Wonak discloses a method for establishing a wireless communications between a cellular telephone and a landline telephone, the method comprising: establishing a wireless communications link between the landline telephone and the cellular telephone when the cellular telephone is within a range of a transceiver of the landline telephone (page 3, paragraph [0016]); establishing an audio link between the cellular telephone and the landline telephone when the wireless communications link between the landline telephone and the cellular telephone is established (page 3, paragraph [0016]); receiving audio communications from a telephone handset of the landline telephone (page 3, paragraphs [0016]-[0017]); processing the audio communications according to a wireless communications protocol corresponding to the wireless transceiver of the cellular telephone (page 3, paragraph [0017]); and sending the processed audio communications to the cellular telephone via the audio link (page 3, paragraph [0017]).

Regarding claim 17, Wonak discloses the method of claim 15 (see above), wherein the wireless communications link is a BLUETOOTH communications link (page 3, paragraph [0016]).

Regarding claim 18, Wonak discloses the method of claim 15 (see above), wherein the cellular telephone and the landline telephone are both BLUETOOTH-enabled (page 3, paragraph [0016]).

Regarding claim 20, Wonak discloses the method of claim 15 (see above), wherein sending the processed audio communications to at least one of the cellular telephones via the audio link includes sending AT commands (page 3, paragraph [0016]-[0017]).

Regarding claim 22, Wonak discloses the method of claim 20 (see above), wherein the AT commands are sent using one of the audio packets, the data packets, and a combination of audio packets and data packets (page 3, paragraph [0016]-[0017]).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Mooney et al. (hereinafter "Mooney"; Pub. No.: US 203/0045235).

Regarding claim 3, Cannon discloses the system of claim 2 (see above) wherein the cordless telephone base station and the cellular telephone can communicate with each other (col. 4, lines 45-50). Cannon fails to disclose wherein the BLUETOOTH module supports a headset profile so that the cordless telephone base station and the cellular telephone can communicate with each other by the headset profile.

However, Mooney, in a BLUETOOTH type network, discloses wherein the BLUETOOTH module supports a headset profile so that the cordless telephone base station and the cellular telephone can communicate with each other by the headset profile (Fig. 4; page 1, paragraphs [0009], [0012]-[0021]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to support in the BLUETOOTH module of Cannon a headset profile so

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that the cordless telephone base station and the cellular telephone can communicate with each other by the headset profile as suggested by Mooney.

One of ordinary skill in this art would have been motivated to support in the BLUETOOTH module a headset profile so that the cordless telephone base station and the cellular telephone can communicate with each other by the headset profile because it would provide a wireless hands free connection for a wireless phone (Mooney: page 1, paragraph [0009]).

16. Claims 7-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Mooney.

Regarding claim 7, Cannon discloses a system for wireless communications between a cellular telephone and a landline telephone, the system comprising: a telephone base station (Figs. 1-2, reference numerals 100a or 100b) including a BLUETOOTH wireless transceiver (Fig. 2, reference numeral 202), and a cordless radio transceiver (Fig. 2, reference numeral 205) (col. 4, lines 26-33); and one or more handsets configured to communicate with the telephone base station using radio frequency communications (Fig. 1, reference numeral 102a; Fig. 3, reference numeral 302; col. 4, lines 36-40), a cellular telephone that is BLUETOOTH-enabled (Fig. 1, reference numerals 110-114; col. 3, lines 39-46), so that when the cellular telephone is in a range of the BLUETOOTH wireless transceiver, a wireless communication is established between the cellular telephone and the telephone base station (col. 4, lines 14-19), and wherein when the wireless communication is established, an audio link is established between the cellular telephone and the telephone base station (col. 4, lines 41-50 and 66 through col. 5, line 7).

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Cannon fails to disclose by using a BLUETOOTH headset profile for exchanging audio packets when an audio exchange is required.

However, Mooney, in a BLUETOOTH type network, discloses using a BLUETOOTH headset profile for exchanging audio packets when an audio exchange is required (Fig. 4; page 1, paragraphs [0009], [0012]-[0021]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to establish the audio link of Cannon by using a BLUETOOTH headset profile for exchanging audio packets when an audio exchange is required as suggested by Mooney.

One of ordinary skill in this art would have been motivated to establish the audio link by using a BLUETOOTH headset profile for exchanging audio packets when an audio exchange is required because it would provide a wireless hands free connection for a wireless phone (Mooney: page 1, paragraph [0009]).

Regarding claim 8, in the obvious combination, Cannon discloses wherein a data link is established using an Asynchronous Connectionless Link (ACL) connection along with the audio link to support data exchange between the one or more cellular telephone and the telephone base station (from col. 4, line 59 through col. 5, line 7).

Regarding claim 10, in the obvious combination, Cannon discloses wherein the landline telephone is a landline cordless telephone (col. 3, lines 58-63).

Regarding claim 11, in the obvious combination, Cannon discloses wherein the one or more handsets further include cordless radio transceivers and antenna (col. 4, lines 36-40).

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17. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in combination with Mooney as applied to claim 7 above, and further in view of Underwood (Pub. No.: US 2005/0085262).

Regarding claim 9, Cannon in combination with Mooney fail to disclose wherein the landline telephone is a landline corded telephone.

However, Underwood, in a system for wireless communications between a cellular telephone and a landline telephone, discloses wherein the landline telephone is a landline corded telephone (page 3, paragraph [0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use the landline telephone of Cannon in combination with Mooney as a landline corded telephone as suggested by Underwood.

One of ordinary skill in this art would have been motivated to use the landline telephone as a landline corded telephone because it would allow the use of these commonly known telephones which provide access to the phone line in instances where a cordless phone is unavailable and/or cannot be used, e.g., during power failure.

Regarding claim 12, Cannon in combination with Mooney fail to disclose wherein the landline base station communicates with at least two headsets, one of which is used to receive incoming calls for the cellular telephone and to send outgoing calls on the behalf of the cellular telephone.

However, Underwood, in a system for wireless communications between a cellular telephone (Fig. 2, reference numeral 200) and a landline telephone, discloses wherein the landline base station (Fig. 2, reference numeral 120A) communicates with at least two headsets

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(Fig. 2, reference numerals 110A-B), one of which is used to receive incoming calls for the cellular telephone and to send outgoing calls on the behalf of the cellular telephone (page 3, paragraph [0028]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to communicate the landline base station of Cannon in combination with Mooney with at least two headsets, one of which is used to receive incoming calls for the cellular telephone and to send outgoing calls on the behalf of the cellular telephone as suggested by Underwood.

One of ordinary skill in this art would have been motivated to communicate the landline base station with at least two headsets, one of which is used to receive incoming calls for the cellular telephone and to send outgoing calls on the behalf of the cellular telephone because it will provide the handsets with access to all data and functionality of the cellular telephones (Underwood: page 3, paragraph [0028]).

18. Claims 19, 21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wonak in view of Cannon.

Regarding claim 19, Cannon discloses the method of claim 15 (see above) wherein the landline telephone comprises one transceiver which is a BLUETOOTH transceiver for use in receiving/sending messages to the BLUETOOTH enabled cellular telephone (page 4, paragraph [0016]). Cannon fails to disclose wherein the landline telephone comprises two transceivers, one of which is a cordless link transceiver for use in receiving/sending messages to at least one landline headset.

However, Cannon, in a method for establishing a wireless communication between a cellular telephone and a landline telephone, discloses: wherein the landline telephone comprises two transceivers, one of which is a cordless link transceiver for use in receiving/sending messages to at least one landline headset (col. 4, lines 26-30 and 36-40), and the other one of which is a BLUETOOTH transceiver for use in receiving/sending messages to the BLUETOOTH enabled cellular telephone (col. 3, lines 39-46; col. 4, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the landline telephone of Wonak two transceivers, one of which is a cordless link transceiver for use in receiving/sending messages to at least one landline headset as suggested by Cannon.

One of ordinary skill in this art would have been motivated to incorporate in the landline telephone two transceivers, one of which is a cordless link transceiver for use in receiving/sending messages to at least one landline headset because it would allow normal FCC approved RF communications (Cannon: col. 4, lines 26-30).

Regarding claim 21, Wonak discloses the method of claim 20 (see above). Wonak fails to disclose wherein the AT commands are sent using data packets over an ACL (Asynchronous Connectionless link) connection.

However, Cannon, in a method for establishing a wireless communication between a cellular telephone and a landline telephone, discloses: wherein the AT commands are sent using data packets over an ACL (Asynchronous Connectionless link) connection (from col. 4, line 59 through col. 5, line 7).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to send the AT commands of Wonak using data packets over an ACL (Asynchronous Connectionless link) connection as suggested by Cannon.

One of ordinary skill in this art would have been motivated to send the AT commands using data packets over an ACL (Asynchronous Connectionless link) connection because it can support a higher data rate (see e.g., Cannon: col. 5, lines 3-7).

Regarding claim 23, Wonak discloses the method of claim 20 (see above). Wonak fails to disclose wherein the AT commands are sent using data packets over an audio (SCO) connection.

However, Cannon, in a method for establishing a wireless communication between a cellular telephone and a landline telephone, discloses: wherein the AT commands are sent using data packets over an audio (SCO) connection (from col. 4, line 59 through col. 5, line 7).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to send the AT commands of Wonak using data packets over an audio (SCO) connection as suggested by Cannon.

One of ordinary skill in this art would have been motivated to send the AT commands using data packets over an audio (SCO) connection because it can support up to three simultaneous synchronous voice channels (Cannon: from col. 4, line 59 through col. 5, line 7).

Regarding claim 24, Wonak discloses the method of claim 15 (see above), further comprising establishing a direct wireless communication link between the cellular telephone and a handset that is communicating with a BLUETOOTH landline telephone base station when the

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cellular telephone is within a range of the landline telephone base station (page 3, paragraph [0016]). Wonak fails to disclose a **cordless** handset.

However, Cannon, in a method for establishing a wireless communication between a cellular telephone and a landline telephone, discloses: a **cordless** handset (col. 4, lines 36-40).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use the handset of Wonak as cordless as suggested by Cannon.

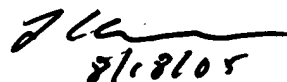
One of ordinary skill in this art would have been motivated to use a cordless handset because it would allow the user to move freely without the restrictions and limitations of a cord.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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